

SECOND REGULAR SESSION

# HOUSE BILL NO. 1753

## 101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BASYE.

3294H.02I

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To amend chapter 167, RSMo, by adding thereto one new section relating to recovery programs for high school students.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 167, RSMo, is amended by adding thereto one new section, to be known as section 167.850, to read as follows:

**167.850. 1. As used in this section, the following terms mean:**

(1) "Board", the state board of education;

(2) "Commissioner", the commissioner of education;

(3) "Recovery high school", a public high school that serves eligible students diagnosed with substance use disorder or dependency as defined by the most recent Diagnostic and Statistical Manual of Mental Disorders and that provides both a comprehensive four-year high school education in an alternative public school setting and a structured plan of recovery;

(4) "Sending district", the school district where a student attending or planning to attend the recovery high school resides and from which the student is referred for enrollment in a recovery high school.

2. (1) The commissioner may approve and authorize up to four pilot recovery high schools, geographically located in metropolitan areas throughout the state, to be established by school districts or groups of school districts for the purpose of demonstrating the effectiveness of the recovery high school model in this state. The commissioner shall issue a request for proposals from school districts to operate a pilot recovery high school. Such proposals may be submitted by an individual school district

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 proposing to operate a recovery high school or by a group of school districts proposing  
19 to jointly operate such a school. Such proposals shall be submitted to the commissioner  
20 no later than December first of the school year prior to the school year in which the  
21 recovery high school is proposed to begin operation. The approval of the board shall be  
22 required for the recovery high school to begin operation.

23 (2) Proposals shall detail how the district or districts will satisfy the criteria for a  
24 high school education program under state law and board rule and how the recovery  
25 high school will satisfy the requirements for accreditation by the Association of  
26 Recovery Schools or another recovery school accreditation organization authorized by  
27 the board. The proposal shall include a financial plan outlining the anticipated public  
28 and private funding that will allow the recovery high school to operate and meet the  
29 school's educational and recovery criteria. The district or districts may partner with  
30 one or more local nonprofit organizations or other local educational agencies regarding  
31 establishment and operation of a recovery high school and may establish a joint board  
32 to oversee the operation of the recovery high school as provided in a memorandum of  
33 understanding entered with such organization or organizations.

34 (3) By approval of the proposal upon the recommendation of the commissioner,  
35 the board shall be deemed to have authorized all necessary equivalencies and waivers of  
36 regulations enumerated in the proposal.

37 (4) The commissioner may specify an authorization period for the recovery high  
38 school, which shall be no less than four years. Before July first of each year the recovery  
39 high school is in operation, the school district or group of school districts, in consultation  
40 with the recovery high school, shall submit to the commissioner an analysis of the  
41 recovery high school's educational, recovery, and other related outcomes as specified in  
42 the proposal. The commissioner shall review the analysis and renew any recovery high  
43 school meeting the requirements of this section and the requirements of the school's  
44 proposal and may include terms and conditions to address areas needing correction or  
45 improvement. The commissioner may revoke or suspend the authorization of a  
46 recovery high school not meeting the requirements of this section or the requirements of  
47 the school's proposal.

48 (5) Pupil attendance, dropout rate, student performance on statewide  
49 assessments, and other data considered in the Missouri school improvement program  
50 and school accreditation shall not be attributed to the general accreditation of either a  
51 sending district or the district or districts operating the recovery high school and may be  
52 used by the commissioner only in the renewal process for the recovery high school as  
53 provided in this subsection.

54           **3. (1) A school district may enter into an agreement with a district or districts**  
55 **operating a recovery high school for the enrollment of an eligible student who is**  
56 **currently enrolled in or resides in the sending district.**

57           **(2) A parent or guardian may seek to enroll an eligible student residing in a**  
58 **sending district in a recovery high school created under this section. A student over**  
59 **eighteen years of age residing in a sending district may seek to enroll in a recovery high**  
60 **school.**

61           **(3) An eligible student shall mean a student who is in recovery from substance**  
62 **use disorder or substance dependency, or such a condition along with co-occurring**  
63 **disorders such as anxiety, depression, and attention deficit hyperactivity disorder, and**  
64 **who is determined by the recovery high school to be a student who would academically**  
65 **and clinically benefit from placement in the recovery high school and is committed to**  
66 **working on the student's recovery. The recovery high school shall consider available**  
67 **information including, but not limited to, any recommendation of a drug counselor,**  
68 **alcoholism counselor, or substance abuse counselor licensed or certified under**  
69 **applicable laws and regulations.**

70           **(4) A recovery high school shall not limit or deny admission to an eligible student**  
71 **based on race, ethnicity, national origin, disability, income level, proficiency in the**  
72 **English language, or athletic ability.**

73           **4. (1) The recovery high school shall annually adopt a policy establishing a**  
74 **tuition rate for its students no later than February first of the preceding school year.**

75           **(2) The sending district of an eligible student who is enrolled in and attending a**  
76 **recovery high school shall pay tuition to the recovery high school equal to the lesser of:**

77           **(a) The tuition rate established under subdivision (1) of this subsection; or**

78           **(b) The state adequacy target, as defined in section 163.011, plus the average**  
79 **sum produced per child by the local tax effort above the state adequacy target of the**  
80 **sending district.**

81           **(3) If costs associated with the provision of special education and related**  
82 **disability services to the student exceed the tuition to be paid under subdivision (2) of**  
83 **this subsection, the sending district shall remain responsible for paying the excess cost to**  
84 **the recovery high school.**

85           **(4) The commissioner may enter into an agreement with the appropriate official**  
86 **or agency of another state to develop a reciprocity agreement for otherwise eligible,**  
87 **nonresident students seeking to attend a recovery high school in this state. A recovery**  
88 **high school may enroll otherwise eligible students residing in a state other than this state**  
89 **as provided in such reciprocity agreement. Such reciprocity agreement shall require the**  
90 **out-of-state student's district of residence to pay to the recovery high school an annual**

91 amount equal to one hundred five percent of the tuition rate for the recovery high school  
92 established under this subsection. If an otherwise eligible student resides in a state that  
93 is not subject to a reciprocity agreement, such student may attend a recovery high  
94 school provided such student pays to the school one hundred five percent of the tuition  
95 rate for the recovery high school established under this subsection. No student enrolled  
96 and attending a recovery high school under this subdivision shall be included as a  
97 resident pupil for any state aid purpose under chapter 163.

98       5. The board, in consultation with the department of mental health, may  
99 promulgate rules to implement the provisions of this section. Any rule or portion of a  
100 rule, as that term is defined in section 536.010, that is created under the authority  
101 delegated in this section shall become effective only if it complies with and is subject to  
102 all of the provisions of chapter 536 and, if applicable, section 536.028. This section and  
103 chapter 536 are nonseverable, and if any of the powers vested with the general assembly  
104 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul  
105 a rule are subsequently held unconstitutional, then the grant of rulemaking authority  
106 and any rule proposed or adopted after August 28, 2022, shall be invalid and void.

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